

1 ahead of you there, but maybe Mr. Howard can address that
2 whole subject in paragraph 132.

3 MR. HOWARD: How I'll start, Your Honor --

4 JUDGE SIPPEL: Wait a minute.

5 MR. HOWARD: -- is programming that addressed that
6 matter during the renewal period and the September 21, 1991
7 was during the license term. This is an event that was
8 planned and the efforts to support this event were ongoing
9 during the renewal period. Thus, there's no risk that it was
10 somehow implemented or started up in response to the prepared
11 challenge.

12 JUDGE SIPPEL: All right. Well, that's your
13 explanation, but where does that come through in the
14 testimony?

15 MR. HOWARD: It's on page 55, Your Honor, if it's
16 not adequate at 48.

17 MR. GREENEBAUM: You mean the fact that it had 77
18 PSAs during the renewal period?

19 MR. HOWARD: The fact that it was -- yes.

20 JUDGE SIPPEL: Oh, I see your point or at least I
21 see --

22 MR. HOWARD: It was --

23 MR. GOLDSTEIN: -- during the renewal period and
24 then occurred during the license term.

25 JUDGE SIPPEL: The PSAs will run during the renewal

1 period.

2 MR. HOWARD: Correct.

3 JUDGE SIPPEL: The PSAs, some or all of those PSAs
4 related to the Jim Palmer golf classic?

5 MR. HOWARD: Yes, all of them. All of them did.

6 JUDGE SIPPEL: And that was held on September 21.
7 All right. Ms. Schmeltzer?

8 MS. SCHMELTZER: Your Honor, there's separately --
9 there is a separate exhibit dealing with PSAs, so that's in
10 the record. I don't think that that establishes that the golf
11 classic should be given credit.

12 JUDGE SIPPEL: Well, the -- it certainly, at least
13 as a prima facie matter, it comes through on paragraph 132 and
14 there's enough here in the, in the transcript if you want to
15 question Ms. Barr further on it, but I'm satisfied that it's
16 -- it is within the guidelines that I've set for relevant
17 time, time of -- the relevant time, events occurring in the
18 relevant time, so I'm going to overrule your objection.

19 MS. SCHMELTZER: And that -- the last sentence of
20 paragraph --

21 JUDGE SIPPEL: Oh, yes, I meant to come back to
22 that. Yes. What is the relevance of that?

23 MR. HOWARD: It ties in the -- with the tense. I
24 believe that the witness will testify that he was a member of
25 the Advisory Board for the Oriole's Wives during the renewal

1 period. I didn't see this when I was reviewing it in the
2 past. In each of these cases it's been where the present
3 tense was used it meant was and continuing on to the present.
4 Thus, the relatives that it's another example of how the
5 Orioles were tied into the station's community affairs efforts
6 and that shows the, the thought, the care, the practice that
7 the station used in addressing the community needs through its
8 association with the Orioles.

9 MS. SCHMELTZER: Your Honor, I can't understand how
10 Emily Barr can possibly testify to what organizations various
11 members of the staff belong to. She just can't possibly
12 testify to that. And he isn't even management. He's only the
13 Sports Director.

14 MR. GOLDSTEIN: I think that you ought to disagree.
15 I think that there was testimony in there saying that the
16 station encourages it and that they asked him to report to the
17 station as to what their activities are, so I don't agree with
18 Ms. Schmeltzer on that at all.

19 JUDGE SIPPEL: Well, that's -- yeah. I don't want
20 to really get into that because that's a -- those are
21 inferences and conclusions and insights that all of us don't
22 share or -- but I haven't even got -- and I haven't even
23 gotten to that yet, but I -- what I am concerned about is that
24 there's nothing to tie in unless -- there's nothing to tie in
25 Ms. Barr's testimony to Scott Garceau and what he's doing with

1 the Oriole's Wives in a relative period. I mean, I've heard
2 -- Mr. Howard, I don't want to ask you to have to repeat what
3 you said. I know what you said. You said that really it was
4 meant to that, but it doesn't say that. So unless there's
5 something else in her testimony that gives it a hook, I'm
6 going to have to take it out.

7 MR. GOLDSTEIN: How about if we change the word to
8 was, if that's the case?

9 JUDGE SIPPEL: Well, I'm going to get an objection
10 because it's --

11 MS. SCHMELTZER: I have the same objection. I think
12 it's irrelevant.

13 JUDGE SIPPEL: Well, okay. You object from a
14 relevancy ground, but what about changing it to -- for
15 clarification sake, changing it into the specified into the
16 relevant period?

17 MS. SCHMELTZER: Well, I still don't think that she
18 is at all competent to testify as to any number of positions
19 that people in -- at the station may have held.

20 JUDGE SIPPEL: Well, that you could ask her on
21 cross-examination. You could ask her where she gets her
22 information, but I mean, I can't -- there's no nothing I can
23 do to respond to that because it's an unknown. What I am
24 concerned about is that -- the fact that he is a member of the
25 Advisory -- well, there's been enough testimony on the -- no.

1 Again, I'm got the wrong Advisory Board. This is the only
2 reference to the Advisory Board for Oriole's Wives to benefit
3 children? This is it?

4 MR. HOWARD: That's correct.

5 MS. SCHMELTZER: Right.

6 MR. HOWARD: Well, except later on in the lists of
7 community affairs that the station members were involved in
8 during the renewal period.

9 JUDGE SIPPEL: What page is that?

10 MR. HOWARD: 60.

11 MR. GOLDSTEIN: Your Honor, in paragraph -- at page
12 57 in paragraph 137, footnote 15, Ms. Barr so testifies as to
13 how she obtained information about the community involvement
14 of all of the personnel. And on page 60 it cites Mr. Scott
15 Garceau and it lists Oriole's Wives so we do have the origin
16 and how that information was derived and she can be cross-
17 examined as to greater detail, but footnote 15 clearly
18 explains where she got her information.

19 MS. SCHMELTZER: But it also -- I'm going to get
20 into this later. I was planning to enter this later.
21 Paragraph 137 says, "Between June 1st and September 30th," so
22 a lot of this is beyond the September 3rd deadline. For all I
23 know, some of these people on September 4th may have joined a
24 number of these organizations. We just don't know that. We
25 don't know what the dates are.

1 JUDGE SIPPEL: Well, I'm going to let this come in
2 the way it -- I mean, it's so -- it's -- as I said, I think
3 that we're really -- as far as the dates are concerned, that
4 we're just spending too much time on this and I -- it's close
5 enough for me to let it in. You can, of course, go through
6 the cross-examination process and if you establish these
7 facts, I will certainly strike it right then and there. But
8 you have another question and it's a good one. The first one
9 was good, too. But, I mean, this one talks about -- you have
10 all of these things listed and you're not sure whether or not
11 these people might have joined after the 3rd. And I think
12 that's an excellent point and I think that what I will permit
13 you to do would be a very -- to issue a very concise set of
14 interrogatories which will require them to respond to the
15 precise date that each of these people -- under oath.

16 MR. GOLDSTEIN: May I suggest, Your Honor, to save
17 time, why don't you just order them to do it? We don't have
18 to go through the interrogatories.

19 JUDGE SIPPEL: Well, I don't mind doing that either,
20 but I thought I'd give Ms. Schmeltzer a chance if she wanted
21 to think of some way that she wants to articulate the
22 question. But what you need to know is whether or not these
23 dates -- what the dates were?

24 MS. SCHMELTZER: My concern is, because we've been
25 through this now for two days, Scripps had every opportunity

1 to prepare its exhibits with all the relevant information and
2 we're letting them reform their exhibits right here at the
3 hearing. I just don't think that's fair.

4 JUDGE SIPPEL: Well then, I will, I will accept that
5 as an objection to the procedure that I was going to permit.
6 I'm not going to require that you go forward on that basis,
7 but I am going to let this evidence come in and to the extent
8 that it has not been, as you say, it has not been sufficiently
9 specified as to date, you have the option of either cross-
10 examining or let the record sit that way it is and argue that
11 they haven't met their burden of proof.

12 MS. SCHMELTZER: That's fine.

13 JUDGE SIPPEL: All right? Now, let's go forward.

14 MS. SCHMELTZER: I have nothing on 49, nothing on
15 50, nothing on 51. Turning to page 52, paragraph 125, we
16 would move to strike the sentence that begins, "Attachment M,"
17 as in Mary, and goes -- and then the next two sentences all
18 the way through the words, "Attachment N," as in Nancy since
19 those exhibits have already been stricken.

20 JUDGE SIPPEL: All right. What about the first
21 sentence?

22 MS. SCHMELTZER: I don't have any objection to the
23 first sentence.

24 JUDGE SIPPEL: All right. There's no relevance to
25 the sentences that you just outlined, so they will be

1 stricken.

2 MR. HOWARD: I'm sorry. Where do they end?

3 JUDGE SIPPEL: Well, it's the -- it starts off with
4 the second sentence in paragraph 125 which is Attachment N.

5 MR. HOWARD: But part of Attachment N is still in
6 the record, Your Honor, transcript and the narration. We've
7 got -- who should not -- that shouldn't be stricken.

8 MS. SCHMELTZER: Well, I think it should because
9 this goes far beyond what's in there. It's already in there.
10 You don't need this. It's duplicative.

11 MR. HOWARD: There's no need to reference Attachment
12 N in the testimony?

13 MS. SCHMELTZER: I don't think so.

14 JUDGE SIPPEL: Well, again, it's -- I don't -- let
15 me hear from you, Mr. Howard. Go ahead.

16 MR. HOWARD: No. She's right on -- the statement
17 would be unclear and if there's -- well, we're still free to
18 refer to Attachment N in our findings whether or not it's
19 referenced in the, in the body of the testimony. That's -- I
20 have no objection to taking it out.

21 JUDGE SIPPEL: Yeah. Yes. You certainly will have
22 -- and I'm talking about N now. This is N as in Nebraska
23 which has the listing of the new facilities, new assets. All
24 right. Then, yes, you do have freedom to refer to that, that
25 data, that information, but I am going to strike these two --

1 is it two sentences? These two -- three sentences in
2 paragraph 125 starting with the words, "Attachment M," and
3 ending with the words, "Attachment N." Anything else after
4 that?

5 MS. SCHMELTZER: Not on that page. Page 53,
6 paragraph 127 refers to a program that ran through October
7 1991 and began before the renewal period so I, frankly, think
8 that that paragraph should be stricken.

9 MR. GOLDSTEIN: -- encompass?

10 MS. SCHMELTZER: Well, it -- but it -- they've got,
11 they've got some period before and some period after which
12 should not be included.

13 JUDGE SIPPEL: Well, they'd only get credit for that
14 which falls within the renewal period. I mean, if it's a
15 quantitative count, that's the only thing that counts. If
16 it's a --

17 MR. GOLDSTEIN: And then the next sentence says they
18 ran 46 during the renewal period and they're trying to be
19 specific.

20 JUDGE SIPPEL: I'm going to overrule that objection
21 and let that stay the way it is.

22 MS. SCHMELTZER: Okay. In footnote 14 we would move
23 to strike the sentence that begins, "Attachment Q," because
24 the -- that attachment has been stricken.

25 JUDGE SIPPEL: All right. We'll do that. We'll

1 strike the sentence with respect to Attachment Q in footnote
2 14.

3 MS. SCHMELTZER: My next objection is at paragraph
4 133. The Concert Light Songs was broadcast on September 28,
5 1991 which is outside the renewal period.

6 JUDGE SIPPEL: PSAs ran before. It was like the
7 golf classic?

8 MR. HOWARD: Yes.

9 JUDGE SIPPEL: All right. It's -- this stays.
10 Overruled.

11 MS. SCHMELTZER: All right. Paragraph 134 is
12 another problem. This is a program that was outside the
13 license term. Now, if they want to claim PSAs, fine, but they
14 should not get credit for a program that's outside the license
15 term.

16 JUDGE SIPPEL: Who wants to go first? Mr. Howard?

17 MR. HOWARD: Well, we should certainly get credit
18 for the planning and effort that went into this program and
19 that's what -- all we claim for was just the effort that went
20 during the renewal period and, to the extent that the events
21 occurred afterwards, demonstrate that planning relativity.

22 JUDGE SIPPEL: Well, where is the evidence? Oh, I
23 see. Yeah, I've got to read down here, "236 PSAs for the
24 event during the license term."

25 MR. HOWARD: Yes.

1 MS. SCHMELTZER: I think that's the fallacy in
2 letting these PSAs provide the supposed evidence that there
3 was planning for the event.

4 JUDGE SIPPEL: All I'm going to do is take the
5 evidence on October 5 as being corroborative of the planning,
6 the fact that the planning took place, but it's not going to
7 get the same substantive credit as would it have been if that
8 had occurred during the renewal period, but it's
9 corroboration. I'll let -- I'm going to let it stand.

10 MS. SCHMELTZER: Okay. The next paragraph, 135,
11 relates to a program which was held on October 20, 1991 and
12 Scripps is not very specific as to when the PSAs began
13 running. It's very possible that they began running outside
14 their license renewal period, so I think that this should all
15 be stricken.

16 MR. HOWARD: Sorry, Your Honor.

17 JUDGE SIPPEL: Do you have a response to this?

18 MR. HOWARD: No. I can't state for certain that
19 the, that the PSAs ran prior to September 3.

20 MR. GREENEBAUM: We do have a list that will show
21 it.

22 MR. GOLDSTEIN: You can look at your PSA list, see
23 if it does or doesn't.

24 MR. GREENEBAUM: That's what we're doing.

25 JUDGE SIPPEL: All right. Let's -- what are you

1 referring to then? What's the exhibits?

2 MR. HOWARD: It's one of our exhibits.

3 JUDGE SIPPEL: What tab would that be? What's the
4 attachment?

5 MR. HOWARD: I think it's Attachment I.

6 MS. SCHMELTZER: Your Honor, I think we would have
7 to determine whether their PSA list actually mentioned Walk
8 Again as opposed to just March of Dimes because March of Dimes
9 could have been something else.

10 JUDGE SIPPEL: All right. Well, let somebody look
11 through it while we go on. We'll come back to that one.

12 MS. SCHMELTZER: Do you want me to go on?

13 JUDGE SIPPEL: Yes, please. We'll return to that.

14 MS. SCHMELTZER: Okay. 136 returns to a tenth
15 annual drama competition. The -- according to the paragraph,
16 the deadline for entering the competition was September 6th
17 and the play was not produced or aired until February 1992, so
18 this is definitely outside the renewal period and should be
19 stricken.

20 MR. HOWARD: The contest was only going during the
21 renewal period, Your Honor, and thus it should -- it was
22 something that was being sponsored during the renewal period.

23 MS. SCHMELTZER: It doesn't say that. This
24 paragraph does not say that.

25 MR. HOWARD: The first sentence says that.

1 MS. SCHMELTZER: Well, actually the first sentence
2 is wrong because the play was --

3 MR. HOWARD: Of the competition. The competition
4 was ongoing. The deadline for entering the competition was
5 September 6th, thus the promotional materials, the other
6 matters, were out during the renewal period.

7 MS. SCHMELTZER: Your Honor, it seems to me that if
8 this comes in practically anything that's past the renewal
9 period could come in.

10 JUDGE SIPPEL: Well, that's not so because there
11 really hasn't been that much that's been -- in fact, there's
12 been nothing that's come in that's been past the renewal
13 period that hasn't been established as having been commenced
14 during the renewal period and you're opening to the -- if you
15 think that you can penetrate that -- the testimony to the
16 effect, you know, you're prepared and you're capable of doing
17 that. I don't, I don't feel that I've been -- in fact, I
18 think I've been quite, quite strict in terms of keeping to
19 that ruling. There has only been one instance where they've
20 been clearly outside the renewal period and I told you that --
21 I said that I was receiving that only as corroboration of the
22 fact that they planned during the renewal period. Now, this
23 one goes into February 1992, the winning play was produced.
24 All right? But what they claim to have done was during the
25 renewal period was to co-sponsor this drama competition.

1 MS. SCHMELTZER: Clearly, the last sentence -- I
2 mean, I think there's no question the last sentence should be
3 stricken.

4 JUDGE SIPPEL: And the deadline for entering the
5 competition was September 6 and the judges were selected by --
6 now, the winning play was produced at the studios of WMAR-TV.
7 Do you know when it was produced?

8 MR. HOWARD: I do not, Your Honor. It's -- it was
9 after the renewal period.

10 MR. GOLDSTEIN: Your Honor, I think the critical
11 element here is not whether the play -- not the production of
12 the play, but during the license, during the license term they
13 were promoting it. That's what they're taking credit for,
14 what went out over the airwaves. They're not taking credit
15 for the production of the play and that presumably did take
16 place at least before some -- somewhere before September 6th.

17 MR. HOWARD: Actually, it's just that we were
18 supporting the -- the station was supporting the document, had
19 committed to --

20 MR. GOLDSTEIN: -- responsibility.

21 MR. HOWARD: And that's something that should be
22 given the weight that it's worth.

23 JUDGE SIPPEL: All right. My ruling will be the
24 same as with respect to the previous issue on the, on the golf
25 classic. This last statement will stay in simply to

1 corroborate the fact that what they did really got some
2 results, but you won't get any credit for that. You're only
3 going to get credit for the aspects that Mr. Goldstein talked
4 about.

5 MR. HOWARD: Yes, sir.

6 MR. GREENEBAUM: We're ready to return to the -- to
7 Walk Again.

8 JUDGE SIPPEL: All right.

9 MR. HOWARD: We've found one PSA that --

10 JUDGE SIPPEL: Which is paragraph 135?

11 MR. HOWARD: Paragraph 135, Your Honor. There's --
12 there was one PSA for March of Dimes. It does not indicate
13 that it was dedicated to Walk Again. It's possible that Ms.
14 Barr will be able to testify as to that, but I can't say.

15 JUDGE SIPPEL: All right. Well --

16 MR. HOWARD: Even if our PSA -- I'm sorry. May I
17 add one more point? Even if there were PSAs that were -- that
18 began airing afterwards, certainly the decision to make the --

19 JUDGE SIPPEL: Wait a minute. We have to change the
20 tape.

21 (TAPE 3)

22 JUDGE SIPPEL: All right. We're back on. Mr.
23 Howard?

24 MR. HOWARD: This was designed to address a short
25 -- from the April walkathon of which WMAR was a co-sponsor,

1 | thus, it's clear that WMAR had been participating with the
2 | March of Dimes in planning this matter and planning the
3 | promotion of Walk Again. I'm very confident Ms. Barr will be
4 | able to testify as to some of the plans that occurred during
5 | that time in her testimony.

6 | JUDGE SIPPEL: Well, that's -- let's -- I'm going to
7 | give my ruling in just a minute on that, but where is this
8 | referenced in Attachment I? What page are you on that you
9 | found that referenced? I just want to make a note of this.
10 | Say a Heart Walkathon, walkathon fundraiser for the Heart
11 | Association, September 3rd? No?

12 | MS. SCHMELTZER: No, it's not Heart Association.
13 | It's March of Dimes.

14 | MR. HOWARD: It's SH3--0690. It's five up from the
15 | bottom.

16 | MS. SCHMELTZER: It just says March of Dimes.

17 | JUDGE SIPPEL: March of Dimes is all it says. All
18 | right. I'm going to, I'm going to do the same -- did you have
19 | something more to add --

20 | MR. HOWARD: It just occurs to me that we might
21 | check the ascertainment list exhibit, as well. I know that
22 | they were in contact with the March of Dimes people and that
23 | may be referenced in there.

24 | JUDGE SIPPEL: All right. Well, what I'm going to
25 | do is I'm going to let this in. I'm going to stipulate it in

1 and you're going to have to convince me in your findings that
2 there's enough relevant evidence surrounding this paragraph
3 that -- convince me that it should be in. And if Ms., if Ms.
4 Schmeltzer wants to cross-examine, she does so at her own
5 risk. But right now it's just -- it comes in just the way it
6 is. All right. And I'm certainly not going to permit counsel
7 for Scripps Howard to lead this witness into this area at all,
8 in fact, to question this witness at all on paragraph 135
9 unless Ms. Schmeltzer cross-examines. Then, of course, you
10 can redirect. Okay. Next one?

11 MS. SCHMELTZER: Okay. My next objection goes to
12 paragraphs 137 through, through -- well, it goes on through
13 page 58, 59, 60 and 61. As we mentioned before, Scripps
14 Howard does not get credit for civic experience. They're not
15 proposing integration, so all of this material is irrelevant
16 and, in addition to that, the only people that are going to be
17 testifying out of this list are Emily Barr and Arnold Kleiner
18 so we have no way of testing the representations that are made
19 as far as the other people.

20 JUDGE SIPPEL: Well, my ruling is going to be the
21 same with respect to that, too. This -- you certainly -- you
22 don't have any objection on the grounds of relevancy, that
23 these -- this information is relevant to the issue? I'm
24 asking you that question. Is there something in here that's
25 --

1 MS. SCHMELTZER: Yeah, I do have an objection on
2 relevancy. I don't think that is relevant to the issue.

3 JUDGE SIPPEL: You don't think it's relevant?

4 MS. SCHMELTZER: I don't think the civic experience
5 of various past members is relevant to the renewal expectancy.

6 JUDGE SIPPEL: Well --

7 MS. SCHMELTZER: It's what the station does.

8 JUDGE SIPPEL: I've already -- I recognize that, but
9 I've already -- we've already debated that issue and I ruled
10 on it early on with respect to the, to the background
11 information about Ms. Barr and Mr. Kleiner where I agreed and
12 I made the cut with respect to professional organizations. I
13 think that this is relevant information and if it has been
14 inartfully presented by Scripps Howard with respect to
15 relevant dates, then I'll adjust that in the findings. That's
16 it?

17 MR. HOWARD: I've got a -- I have another matter.

18 JUDGE SIPPEL: It's on the same subject in the same
19 area?

20 MR. HOWARD: Yes, on the testimony.

21 JUDGE SIPPEL: On the testimony?

22 MR. HOWARD: Just a correction. There's a typo that
23 I wanted to get the record --

24 JUDGE SIPPEL: Oh, all right. Well -- okay. Well,
25 let's turn to that then, Mr. Howard.

1 MR. HOWARD: On page 39, paragraph 95, the See
2 Attachment K, one, two, three, four lines from the bottom of
3 paragraph 95, that should be See Attachment F. Attachment K
4 is the Orioles schedule.

5 MR. GOLDSTEIN: What page again?

6 MR. HOWARD: Page 39.

7 JUDGE SIPPEL: Where it says See Attachment K should
8 read See Attachment F?

9 MR. HOWARD: Yes, Your Honor.

10 JUDGE SIPPEL: Well, that's a, that's a pretty
11 evidence mistake, Ms. Schmeltzer. Do you have any objection
12 to making that change?

13 MS. SCHMELTZER: No, it's fine.

14 JUDGE SIPPEL: Okay. Do you have anything more then
15 with respect to the Barr testimony, Ms. Schmeltzer?

16 MS. SCHMELTZER: No.

17 JUDGE SIPPEL: Okay. Then based on the ruling
18 yesterday and today, I'm having marked -- or have had marked,
19 I am receiving into evidence at this time Scripps Howard's
20 Company Exhibit 3 including Tabs -- or Attachments A through R
21 except as ruled upon, except for those that were eliminated by
22 my rulings, and I'm also receiving into evidence Exhibit 3A
23 subject again to all the rulings that have been made on the
24 record, noting once more that Exhibit A was considered through
25 pages 1 to 9. Exhibit 3A was considered starting at page 10

1 and commencing through page 63, and that's the universe of the
2 Emily Barr testimony on direct.

3 (The documents that were previously
4 marked for identification as Scripps
5 Howard's Exhibits No. 3 and 3A were
6 entered into evidence.)

7 JUDGE SIPPEL: Next we have the public witnesses.
8 These are Scripps Howard marked -- pre-marked as Scripps
9 Howard Exhibits 4 through 25, counting the stipulation that
10 was marked this morning. Is it going to be necessary to take
11 these one at a time, Ms. Schmeltzer?

12 MS. SCHMELTZER: No, I don't think so, Your Honor.

13 JUDGE SIPPEL: Not that I'm surprised by that
14 answer, but I thought I'd test my luck.

15 MS. SCHMELTZER: No. Actually, we're going to make
16 things easy here. We have decided that we would let all of
17 these -- except for Ben Hooks, and I want to discuss that
18 separately, we will let all of these exhibits in and we will
19 argue the weight to be accorded these exhibits in our post-
20 findings and conclusions. I would note, however, for
21 instance, that a lot of these letters speak both prior to the
22 renewal period and subsequent to the renewal period or are
23 otherwise vague as to the renewal period, but this is -- that
24 goes to the weight of the evidence. I do have a separate
25 objection with respect to Mr. Hooks' letters.

1 JUDGE SIPPEL: All right. Well, Hooks -- I've
2 already ruled on the, on the Hooks testimony.

3 MS. SCHMELTZER: Well, this is my concern which I'll
4 be happy to tell you. In his October 4th statement Mr. Hooks
5 has indicated that Memphis is his legal and voting abode. He
6 -- in his September 3rd letter he said that he resided in
7 Baltimore during the summer and fall of '91, but Scripps is
8 not offering the September 3rd letter. The October 4th letter
9 does not say that. That's the renewal period or the relevant
10 period. Some of it's the relevant period. We understand --
11 it's our understanding that the NAACP headquarters in
12 Baltimore has an apartment that can be used by visiting
13 dignitaries and if that's where Mr. Hooks ostensibly resided,
14 we don't consider that a residence.

15 MR. ZAUNER: I'm sorry. You're saying if that's
16 where he resided you don't consider it a residence? If that's
17 where he resided why don't you consider it a residence?

18 MS. SCHMELTZER: Well, I mean, if that's where he
19 stayed while he was visiting Baltimore.

20 MR. ZAUNER: Well, that's where he --

21 MS. SCHMELTZER: It's not his residence. His
22 residence is Memphis, Tennessee.

23 MR. HOWARD: Your Honor, this is -- may I address
24 these? I've got a couple of relevant points.

25 JUDGE SIPPEL: Yeah. Is that it? I mean, is that

1 your --

2 MS. SCHMELTZER: That's my conflict.

3 JUDGE SIPPEL: -- concern? So what relief are you
4 asking for?

5 MS. SCHMELTZER: Well, I think at a minimum Scripps
6 Howard should clarify the dates that he lived in Baltimore and
7 where he lived and whether that was a residence that he owned.

8 JUDGE SIPPEL: I had asked about, you know, when
9 there was -- when I laid this procedure out back in June there
10 was an opportunity to depose -- given to you to depose any of
11 these.

12 MS. SCHMELTZER: Well, we didn't -- at that point we
13 thought that he didn't even -- they didn't introduce the
14 business about residing in Baltimore until September 3.

15 JUDGE SIPPEL: Well, you could have asked me to
16 depose him at that point. I'm saying you did have some
17 remedies to get clarification on this if that's what you're
18 after. If you think that this -- that we've got a false
19 document that's been submitted here, that's, that's a
20 different situation. But let me hear from --

21 MR. HOWARD: Well, first, he does testify that he
22 resided in Baltimore. Do you recognize that?

23 MS. SCHMELTZER: But you're not with -- no. You're
24 not --

25 MR. HOWARD: Yes, he does in the October 4th letter.

1 MS. SCHMELTZER: But he doesn't say the dates. Why
2 did he --

3 MR. HOWARD: From 1986 until May of 1993. "While I
4 kept my voting abode in Memphis, Tennessee, I resided in
5 Baltimore."

6 MS. SCHMELTZER: But then why in the September 3rd
7 statement does he say that he specifically resided in
8 Baltimore during the summer and fall of 1991?

9 MR. HOWARD: Because that's the relevant period.
10 That was just more or -- that was just a more limited
11 statement of the same thing.

12 JUDGE SIPPEL: He was trying to focus on the
13 relevant period in that statement. And what was the
14 correction again in the new -- in the revised Exhibit 24?

15 MR. HOWARD: It states from 1986 until May of 1993.
16 This period certainly includes our renewal period. "While I
17 kept my voting abode in Memphis, Tennessee, I resided in
18 Baltimore, Maryland and participated in most of the civic
19 affairs of that city."

20 JUDGE SIPPEL: Well, as I said, I am -- I've given
21 you the -- I have given Scripps Howard leave to substitute the
22 October 4 supplement for the September 3rd supplement. This
23 was all in Tab 24. And I don't see anything that I'm hearing
24 now that would prompt me to reconsider that ruling. If you
25 want to -- and, I mean, the reference to their being some kind

1 of a, of a -- what would you call it -- a safe house or
2 whatever for the organization in Baltimore or some, some
3 facility that they have for visiting dignitaries or whatever
4 it might be, there's nothing that you've shown or even
5 suggested that would tie Dr. Hooks to that -- to the use of
6 that facility. I mean, this -- you're just saying that it's
7 there and maybe he was using it. That's not enough certainly
8 to attack it.

9 MS. SCHMELTZER: No, no. It's my understanding he
10 was using it.

11 MR. HOWARD: I'll be happy to show counsel the press
12 report from the relevant period that indicates Mrs. Hooks
13 discussed how she bought an apartment in Baltimore.

14 JUDGE SIPPEL: Well, I'm not going to go anything
15 -- I mean, this is all coming up in discussion fashion and
16 what you're raising is some, some potentially serious
17 questions. If you want the kind of relief that -- I'm sure
18 that experienced counsel knows what you need to get at this.
19 It should have been asked earlier, and if you've got something
20 that you have to come to me for, then again you know how to do
21 that. But I'm not going to get into this kind of a discussion
22 here. Today is simply an admissions session and it is
23 mechanical. It's intended to be very mechanical, but this is
24 what we're really here for, to do today, to get the paperwork
25 in the record and this is what I'm going to do. So do you

1 have anything more with respect to the -- and I very much
2 appreciate, Ms. Schmeltzer, too, how you've reacted to these
3 -- to this grouping of public witness exhibits. This is a big
4 help.

5 MS. SCHMELTZER: Thank you.

6 JUDGE SIPPEL: So I don't want to make light of
7 that.

8 MS. SCHMELTZER: No, we don't have anything else.

9 JUDGE SIPPEL: All right. Then are these -- have
10 these all been marked by the reporter? Have these been given
11 to the reporter for marking? Oh, just gave them to you now?
12 All right. Let's go off the record.

13 (Off the record.)

14 JUDGE SIPPEL: Okay. Mr. Howard, you had a
15 preliminary matter?

16 MR. HOWARD: Your Honor, I just wanted to state that
17 I have provided to counsel for the Bureau and to counsel for
18 Four Jacks a copy of the decision that was referenced earlier
19 about the Today program being --

20 JUDGE SIPPEL: Is that -- can that be the basis of a
21 stipulation?

22 MS. SCHMELTZER: Not at this time.

23 JUDGE SIPPEL: You know what my instructions are, to
24 continue to pursue that? I'd like to receive a copy of all
25 the exhibits you have. Thank you. All right. The other item